

# Union Calendar No. 152

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1771

[Report No. 111-271]

To reauthorize the Chesapeake Bay Office of the National Oceanic and  
Atmospheric Administration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2009

Mr. SARBANES (for himself, Mr. WITTMAN, and Mr. KRATOVIL) introduced  
the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 29, 2009

Additional sponsor: Mr. CONNOLLY of Virginia

SEPTEMBER 29, 2009

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 26, 2009]

# **A BILL**

To reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Chesapeake Bay Science,*  
5 *Education, and Ecosystem Enhancement Act of 2009”.*

6 **SEC. 2. REAUTHORIZATION OF NOAA CHESAPEAKE BAY OF-**  
7 **FICE.**

8 *Section 307 of the National Oceanic and Atmospheric*  
9 *Administration Authorization Act of 1992 (15 U.S.C.*  
10 *1511d) is amended—*

11 *(1) in subsection (a)—*

12 *(A) in paragraph (1) by striking “(in this*  
13 *section” and all that follows and inserting a pe-*  
14 *riod;*

15 *(B) by amending paragraph (2) to read as*  
16 *follows:*

17 *“(2) The Office shall be headed by a Director,*  
18 *who—*

19 *“(A) shall have knowledge and experience in*  
20 *research or resource management efforts in the*  
21 *Chesapeake Bay; and*

22 *“(B) shall be responsible for the administra-*  
23 *tion and operation of the office and the imple-*  
24 *mentation of this Act.”; and*

25 *(C) by striking paragraph (3);*

1           (2) in subsection (b)—

2                   (A) by striking so much as precedes para-  
3                   graph (1) and inserting the following:

4           “(b) *PURPOSE.*—The purpose of this section is to focus  
5   the relevant science, research, and resource management ca-  
6   pabilities of the National Oceanic and Atmospheric Admin-  
7   istration as they apply to the Chesapeake Bay and to utilize  
8   the Office to—”;

9                   (B) in paragraph (2), by striking “Sec-  
10           retary of Commerce” and inserting “Adminis-  
11           trator”;

12           (C) in paragraph (3)—

13                   (i) by striking the matter preceding  
14                   subparagraph (A) and inserting the fol-  
15                   lowing:

16           “(3) coordinate the programs and activities of  
17   the various organizations within the National Oce-  
18   anic and Atmospheric Administration in furtherance  
19   of such administration’s coastal resource stewardship  
20   mission, including—”;

21                   (ii) in subparagraph (A), by striking  
22                   “and” after the semicolon at the end of  
23                   clause (vi), and by inserting after clause  
24                   (vii) the following:

1                   “(viii) coastal hazards and climate  
2                   change; and”; and

3                   (iii) in subparagraph (B), by striking  
4                   “and” after the semicolon at the end of  
5                   clause (iii), by inserting “and” after the  
6                   semicolon at the end of clause (iv), and by  
7                   adding at the end the following:

8                   “(v) integrated ecosystem assess-  
9                   ments;”;

10                  (D) in paragraph (4)—

11                   (i) by striking “Environmental Protec-  
12                   tion Agency” and inserting “Chesapeake  
13                   Executive Council”; and

14                   (ii) by inserting before the semicolon at  
15                   the end the following: “as appropriate to  
16                   further purposes of this section”;

17                   (E) by striking paragraphs (5) and (7);

18                   (F) by redesignating paragraph (6) as  
19                   paragraph (5); and

20                   (G) by adding at the end the following:

21                   “(6) perform any functions necessary to support  
22                   the programs referred to in paragraph (3).”; and

23                   (3) by striking subsection (c) and all that follows  
24                   through the end of the section and inserting the fol-  
25                   lowing:

1       “(c) *PROGRAM ACTIVITIES.*—

2               “(1) *IN GENERAL.*—*The Administrator, through*  
3       *the Director, shall implement the program activities*  
4       *authorized by this subsection to support the activity*  
5       *of the Chesapeake Executive Council and to further*  
6       *the purposes of this section.*

7               “(2) *ENSURING SCIENTIFIC AND TECHNICAL*  
8       *MERIT.*—*The Director shall—*

9               “(A) *establish and utilize an effective and*  
10       *transparent mechanism to ensure that projects*  
11       *funded under this section have undergone appro-*  
12       *priate peer review; and*

13               “(B) *provide other appropriate means to*  
14       *determine that such projects have acceptable sci-*  
15       *entific and technical merit for the purpose of*  
16       *achieving maximum utilization of available*  
17       *funds and resources to benefit the Chesapeake*  
18       *Bay area.*

19               “(3) *CONSULTATION WITH CHESAPEAKE EXECU-*  
20       *TIVE COUNCIL.*—*The Director shall, in the implemen-*  
21       *tation of the program activities authorized under this*  
22       *section, consult with the Chesapeake Executive Coun-*  
23       *cil, to ensure that the activities of the Office are con-*  
24       *sistent with the purposes and priorities of the Chesa-*

1        *peake Bay Agreement and plans developed pursuant*  
2        *to the Agreement.*

3                “(4) *INTEGRATED COASTAL OBSERVATIONS.*—

4                “(A) *IN GENERAL.*—*The Administrator,*  
5                *through the Director, may collaborate with sci-*  
6                *entific and academic institutions, State and*  
7                *Federal agencies, non-governmental organiza-*  
8                *tions, and other constituents in the Chesapeake*  
9                *Bay watershed, to support an integrated observa-*  
10               *tions system for the Chesapeake Bay consistent*  
11               *with the purposes of subtitle C of title XII of*  
12               *Public Law 111–11 (33 U.S.C. 3601 et seq.).*

13               “(B) *SPECIFIC REQUIREMENTS.*—*To sup-*  
14               *port the system referred to in subparagraph (A)*  
15               *and provide a complete set of environmental in-*  
16               *formation for the Chesapeake Bay, the Director*  
17               *shall—*

18               “(i) *coordinate existing monitoring*  
19               *and observing activities in the Chesapeake*  
20               *Bay;*

21               “(ii) *identify new data collection needs*  
22               *and deploy new technologies, as appro-*  
23               *priate;*

24               “(iii) *collect and analyze the scientific*  
25               *information necessary for the management*

1           *of living marine resources and the marine*  
2           *habitat associated with such resources;*

3           “(iv) *manage and interpret the infor-*  
4           *mation described in clause (iii); and*

5           “(v) *organize the information described*  
6           *in clause (iii) into products that are useful*  
7           *to policy makers, resource managers, sci-*  
8           *entists, and the public.*

9           “(C) *CHESAPEAKE BAY INTERPRETIVE BUOY*  
10          *SYSTEM.—To further the development and imple-*  
11          *mentation of the Chesapeake Bay Interpretive*  
12          *Buoy System, the Director may—*

13          “(i) *support the establishment and im-*  
14          *plementation of the Captain John Smith*  
15          *Chesapeake National Historic Trail;*

16          “(ii) *delineate key waypoints along the*  
17          *trail and provide appropriate real-time*  
18          *data and information for trail users;*

19          “(iii) *interpret data and information*  
20          *for use by educators and students to inspire*  
21          *stewardship of Chesapeake Bay; and*

22          “(iv) *incorporate the Chesapeake Bay*  
23          *Interpretive Buoy System into the Inte-*  
24          *grated Ocean Observing System regional*  
25          *network of observatories.*



1           “(5) *CHESAPEAKE BAY WATERSHED EDUCATION*  
2           *AND TRAINING PROGRAM.*—

3           “(A) *IN GENERAL.*—*The Administrator,*  
4           *through the Director, may establish a Chesapeake*  
5           *Bay watershed education and training program.*  
6           *The program shall—*

7                   “(i) *continue and expand the Ches-*  
8                   *apeake Bay watershed education programs*  
9                   *offered by the Office immediately before the*  
10                  *enactment of the Chesapeake Bay Science,*  
11                  *Education, and Ecosystem Enhancement*  
12                  *Act of 2009;*

13                  “(ii) *improve the understanding of ele-*  
14                  *mentary and secondary school students and*  
15                  *teachers of the living resources of the eco-*  
16                  *system of the Chesapeake Bay;*

17                  “(iii) *provide community education to*  
18                  *improve watershed protection; and*

19                  “(iv) *meet the educational goals of the*  
20                  *Chesapeake 2000 Agreement.*

21           “(B) *GRANT PROGRAM.*—*The Director may*  
22           *award grants for the purposes of this paragraph.*  
23           *Grants awarded under this subparagraph may*  
24           *be used to support education and training*  
25           *projects that enhance understanding and assess-*

1        *ment of a specific environmental problem in the*  
2        *Chesapeake Bay watershed or a goal of the*  
3        *Chesapeake Bay Program, or protect or restore*  
4        *living resources of the Chesapeake Bay water-*  
5        *shed, including projects that—*

6                *“(i) provide classroom education, in-*  
7                *cluding the development and use of distance*  
8                *learning and other innovative technologies,*  
9                *related to the Chesapeake Bay watershed;*

10               *“(ii) provide watershed educational ex-*  
11               *periences in the Chesapeake Bay watershed;*

12               *“(iii) provide professional development*  
13               *for teachers related to the Chesapeake Bay*  
14               *watershed and the dissemination of perti-*  
15               *nent education materials oriented to vary-*  
16               *ing grade levels;*

17               *“(iv) demonstrate or disseminate envi-*  
18               *ronmental educational tools and materials*  
19               *related to the Chesapeake Bay watershed;*

20               *“(v) demonstrate field methods, prac-*  
21               *tices, and techniques including assessment*  
22               *of environmental and ecological conditions*  
23               *and analysis of environmental problems;*

1                   “(vi) build the capacity of organiza-  
2                   tions to deliver high quality environmental  
3                   education programs; and

4                   “(vii) educate local land use officials  
5                   and decision makers on the relationship of  
6                   land use to natural resource and watershed  
7                   protection.

8                   “(C) COLLABORATION.—The Director shall  
9                   implement the education and training program  
10                  in collaboration with the heads of other relevant  
11                  Federal agencies.

12                  “(6) COASTAL AND LIVING RESOURCES MANAGE-  
13                  MENT AND HABITAT PROGRAM.—

14                  “(A) IN GENERAL.—The Administrator,  
15                  through the Director, may establish a Chesapeake  
16                  Bay coastal living resources management and  
17                  habitat program to support coordinated manage-  
18                  ment, protection, characterization, and restora-  
19                  tion of priority Chesapeake Bay habitats and  
20                  living resources, including oysters, blue crabs,  
21                  and submerged aquatic vegetation.

22                  “(B) ACTIVITIES.—Under the program, the  
23                  Director may, subject to the availability of ap-  
24                  propriations, carry out or enter into grants, con-

1        *tracts, and cooperative agreements and provide*  
2        *technical assistance to support—*

3                *“(i) native oyster restoration;*

4                *“(ii) fish and shellfish aquaculture that*  
5                *is carried out in accordance with a valid*  
6                *Federal or State permit;*

7                *“(iii) establishment of submerged*  
8                *aquatic vegetation propagation programs;*

9                *“(iv) the development of programs that*  
10                *protect and restore critical coastal habitats;*

11                *“(v) habitat mapping, characteriza-*  
12                *tion, and assessment techniques necessary to*  
13                *identify, assess, and monitor restoration ac-*  
14                *tions;*

15                *“(vi) application and transfer of ap-*  
16                *plied scientific research and ecosystem man-*  
17                *agement tools to fisheries and habitat man-*  
18                *agers;*

19                *“(vii) collection, synthesis, and sharing*  
20                *of information to inform and influence*  
21                *coastal and living resource management*  
22                *issues; and*

23                *“(viii) other activities that the Director*  
24                *determines are appropriate to carry out the*  
25                *purposes of such program.*

1 “(d) *REPORTS.*—

2 “(1) *IN GENERAL.*—*The Administrator, through*  
3 *the Director, shall submit a biennial report to the*  
4 *Congress and the Secretary of Commerce on the ac-*  
5 *tivities of the Office and on progress made in pro-*  
6 *tecting and restoring the living resources and habitat*  
7 *of the Chesapeake Bay.*

8 “(2) *ACTION PLAN.*—*Each such report shall in-*  
9 *clude an action plan for the 2-year period following*  
10 *submission of the report, consisting of—*

11 “(A) *a list of recommended research, moni-*  
12 *toring, and data collection activities necessary to*  
13 *continue implementation of the strategy under*  
14 *subsection (b)(2); and*

15 “(B) *recommendations to integrate National*  
16 *Oceanic and Atmospheric Administration activi-*  
17 *ties with the activities of the partners in the*  
18 *Chesapeake Bay Program to meet the commit-*  
19 *ments of the Chesapeake 2000 agreement and*  
20 *subsequent agreements.*

21 “(e) *AGREEMENTS.*—

22 “(1) *IN GENERAL.*—*The Administrator, through*  
23 *the Director, may, subject to the availability of ap-*  
24 *propriations, enter into and perform such contracts,*

1       leases, grants, or cooperative agreements as may be  
2       necessary to carry out the purposes of this Act.

3               “(2) *USE OF OTHER RESOURCES.*—For purposes  
4       related to the understanding, protection, and restora-  
5       tion of Chesapeake Bay, the Director may use, with  
6       their consent and with or without reimbursement, the  
7       land, services, equipment, personnel, and facilities of  
8       any Department, agency, or instrumentality of the  
9       United States, or of any State, local government, In-  
10      dian tribal government, or of any political subdivi-  
11      sion thereof.

12              “(3) *DONATIONS.*—The Director may accept do-  
13      nations of funds, other property, and services for use  
14      in understanding, protecting, and restoring the  
15      Chesapeake Bay. Donations accepted under this sec-  
16      tion shall be considered as a gift or bequest to or for  
17      the use of the United States.

18              “(f) *DEFINITIONS.*—In this section:

19              “(1) *ADMINISTRATOR.*—The term ‘Adminis-  
20      trator’ means the Administrator of the National Oce-  
21      anic and Atmospheric Administration.

22              “(2) *CHESAPEAKE BAY AGREEMENT.*—The term  
23      ‘Chesapeake Bay Agreement’ means the formal, vol-  
24      untary agreements executed to achieve the goal of re-  
25      storing and protecting the Chesapeake Bay ecosystem

1        *and the living resources of the Chesapeake Bay eco-*  
 2        *system and are signed by the Chesapeake Executive*  
 3        *Council.*

4            “(3) *CHESAPEAKE EXECUTIVE COUNCIL.*—*The*  
 5        *term ‘Chesapeake Executive Council’ means the rep-*  
 6        *resentatives from the Commonwealth of Virginia, the*  
 7        *State of Maryland, the Commonwealth of Pennsyl-*  
 8        *vania, the Environmental Protection Agency, the Dis-*  
 9        *trict of Columbia, and the Chesapeake Bay Commis-*  
 10       *sion, who are signatories to the Chesapeake Bay*  
 11       *Agreement, and any future signatories to that agree-*  
 12       *ment.*

13           “(4) *DIRECTOR.*—*The term ‘Director’ means the*  
 14        *Director of the Office.*

15           “(5) *OFFICE.*—*The term ‘Office’ means the*  
 16        *Chesapeake Bay Office established under this section.*

17           “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
 18        *authorized to be appropriated to the Secretary to carry out*  
 19        *this section—*

20           “(1) *\$17,000,000 for fiscal year 2011;*

21           “(2) *\$18,700,000 for fiscal year 2012;*

22           “(3) *\$20,570,000 for fiscal year 2013; and*

23           “(4) *\$22,627,000 for fiscal year 2014.”.*

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**A BILL**

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